

SUBCHAPTER B : CONSISTENCY WITH THE TEXAS COASTAL MANAGEMENT PROGRAM

§281.40. Purpose.

The purpose of this subchapter is to identify those agency actions which are subject to review for consistency with the goals and policies of the Texas Coastal Management Program pursuant to the Coastal Coordination Act, Texas Natural Resources Code, Subchapters C and F, Chapter 33, and rules of the Coastal Coordination Council contained in 31 Texas Administrative Code Chapters 501 and 505. This shall be accomplished by adequately identifying, addressing, and resolving consistency issues to the maximum extent practicable prior to final agency action in order to avoid the referral of an agency action to the council for review and, thus, avoid any unnecessary delay in providing a final agency action with respect to a request or application for a permit, order, or other authorization from the commission.

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§281.41. Condition of Approval.

It is a condition of commission approval of a proposed action that such action, if applicable, must be consistent with the goals and policies of the Texas Coastal Management Program (CMP) as provided in rules of the Coastal Coordination Council contained in Chapters 501, 503, 505, and 506, Title 31, Texas Administrative Code. The executive director shall review such applications for consistency with the CMP and provide a summary of such analysis and other statements in the draft permit and technical summary or referral to commission as provided by §281.21 and §281.22 of this title (relating to Draft Permit, Technical Summary, Fact Sheet, and Compliance Summary and Referral to Commission).

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§281.42. Definitions.

The following words, terms, and phrases, where used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Application - Any request for a permit, order, or other authorization from the commission or executive director.

Coastal barrier - An undeveloped area on a barrier island, peninsula, or other protected area, as designated by United States Fish and Wildlife Service Maps.

Coastal Barrier Resources System - Consists of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary of the Interior entitled "Coastal Barrier Resources System" as defined under Section 4 of the Coastal Barrier Improvement Act of 1990.

Coastal Coordination Council (CCC or council) - A policy making and review body established by Senate Bill 1053, Coastal Coordination Act, Chapter 295, §§37 et seq. Texas Laws (72nd Legislature 1991), codified in Texas Natural Resources Code §33.203(20).

Coastal Natural Resource Areas - Areas as defined by Texas Natural Resource Code §33.203(1) are as follows:

- (A) coastal barriers;
- (B) coastal historic areas;
- (C) coastal preserves;
- (D) coastal shore areas;
- (E) coastal wetlands;
- (F) critical dune areas;
- (G) critical erosion areas;
- (H) gulf beaches;
- (I) hard substrate reefs;
- (J) oyster reefs;
- (K) submerged land;
- (L) special hazard areas;
- (M) submerged aquatic vegetation;
- (N) tidal sand or mud flats;
- (O) water of the open Gulf of Mexico; and
- (P) water under tidal influence.

Coastal waters - Waters in the open Gulf of Mexico and water subject to tidal influence.

Commission - The Texas Natural Resource Conservation Commission.

Critical area - A coastal wetland, an oyster reef, a hard substrate reef, submerged aquatic vegetation, or a tidal sand or mud flat (as defined in 31 TAC §501.3).

Priority segment - Those designated stream or bay segments delineated in Chapter 307 of this title (relating to Surface Water Quality Standards) and identified as priority segments because they are within the coastal boundary and exhibit characteristics of high water quality and require protection to maintain designated uses. Segment quality determinations were made using water quality traditional scoring for segment ranking and other factors to determine the quality of water relative to designated uses. These segments are listed in Appendix B.

Program boundary - The boundary established in Texas Natural Resources Code, §33.2053(k), as defined in Title 31, Texas Administrative Code, §503.1 (relating to Coastal Management Program Boundary).

Texas Coastal Management Program - The plan and related goals and policies as developed by the CCC in accordance with Texas Natural Resources Code §33.204, and codified in 31 TAC Chapters 501, 503, and 505-506.

Tidal segment - Those designated stream or bay segments listed in Appendix C. These segments were designated as tidal segments because they have measurable elevation changes due to normal tides. In the absence of tidal elevation information, tidal segments are generally considered to be waters which typically have salinities of two parts per thousand or greater in a significant portion of the water column.

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§281.43. Consistency Determination.

(a) A permit or other document approving or authorizing an action listed in §281.45 of this title (relating to Actions Subject to Consistency With the Goals and Policies of the Texas Coastal Management Program) shall include a statement providing either a consistency determination or a determination of no adverse effect as follows:

(1) Consistency Determination. “The Texas Natural Resource Conservation Commission (TNRCC or commission) has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the action is consistent with the applicable CMP goals and policies.”; or

(2) Determination of No Adverse Effect. "The TNRCC has reviewed this action and has found that the action will not adversely affect any applicable coastal natural resource areas (CNRA) identified in the Texas CMP."

(b) The executive director shall review applicable requests and applications for consistency with CMP goals and policies and provide a brief summary of such analysis and other statements and recommendations in the draft permit and technical summary or referral to commission as provided by §281.21 and §281.22 of this title (relating to Draft Permit, Technical Summary, Fact Sheet, and Compliance Summary and Referral to Commission), respectively.

(c) For actions that exceed the thresholds for possible referral to the council as provided by §281.46 of this title (relating to Actions Which May Be Referred to the Coastal Coordination Council for Review), a written explanation supporting the determination made under subsection (a) of this section shall be provided in the order, permit, or other written authorization. Such explanation shall describe the basis for the agency's determination, include a description of the action and its possible impacts on CNRAs, identify the applicable CMP goals and policies, and explain how the action is consistent with such goals and policies or why the action does not adversely affect any CNRAs.

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§281.44. Notice.

(a) When providing notice of receipt of an application or request for an agency action subject to consistency with the Texas Coastal Management Program (CMP) goals and policies as provided by §281.45 of this title (relating to Action Subject to Consistency with the Goals and Policies of the Texas Coastal Management Program), the chief clerk of the Texas Natural Resource Conservation Commission (commission) shall include a statement in the notice providing that the application or requested action is subject to the CMP and must be consistent with the CMP goals and policies. All notices, whether mailed or published in a newspaper or the Texas Register, shall contain such statement. The executive director of the commission shall identify such applications or requests and assist the chief clerk in preparing the statement to be contained in the notice. The chief clerk shall include the secretary of the Coastal Coordination Council (council) on the public notice list maintained by the chief clerk for actions subject to the CMP.

(b) Upon issuance of a permit, approval, or authorization of an action listed in §281.45 of this title (relating to Actions Subject to Consistency with the Goals and Policies of the Texas Coastal Management Program), the chief clerk shall provide to the council secretary a one-page notice that the commission or executive director has taken or authorized an action subject to the CMP.

(c) The chief clerk shall maintain a record of all actions taken or authorized that are subject to the CMP and provide such record to the council secretary on a quarterly basis.

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§281.45. Actions Subject to Consistency with the Goals and Policies of the Texas Coastal

Management Program (CMP).

(a) For purposes of this subchapter, the following is an exclusive list of actions taken or authorized by the Texas Natural Resource Conservation Commission (commission) or executive director that may adversely affect a coastal natural resource area and that must be consistent with the CMP goals and policies:

(1) For actions outside the program boundary when issuing or approving:

(A) an application for a new water right located within 200 stream miles of the coast and proposing an appropriation of 10,000 acre-feet of water per year or more;

(B) an application to amend a water right located within 200 stream miles of the coast and requesting:

(i) an increase in the annual appropriation of 10,000 acre-feet or more of water; or

(ii) a change in purpose of use to a more consumptive use of 10,000 acre-feet or more of water per year;

(C) an action under subparagraphs (A) or (B) of this paragraph shall not be considered an action subject to the CMP if it is an action taken to implement the Trans-Texas Water Program as approved in whole or in part, and found to be consistent with CMP goals and policies by the Trans-Texas Water Program Policy Management Committee, provided that the committee includes as voting members at least three members of the Coastal Coordination Council (CCC or council) or their designated representatives and a majority of those council members vote to approve and find that it is consistent with the CMP goals and policies.

(2) For actions inside the program boundary when issuing or approving:

(A) an application for:

(i) a new water right proposing an appropriation of 5,000 acre-feet of water or more per year;

(ii) an amendment to an existing water right requesting an increase in appropriation of 5,000 acre-feet of water per year or more, or a change in purpose of use to a more consumptive use of 5,000 acre-feet of water or more per year;

(B) an action under subparagraph (A) of this paragraph shall not be considered an action subject to the CMP if it is an action taken to implement the Trans-Texas Water Program as

approved in whole or in part, and found to be consistent with CMP goals and policies by the Trans-Texas Water Program Policy Management Committee, provided that the committee includes as voting members at least three members of the CCC or their designated representatives and a majority of those council members vote to approve and find that it is consistent with the CMP goals and policies;

(C) the declaration of an emergency and request for an emergency release of water under Texas Water Code §16.195;

(D) an application for the treatment, storage, or disposal of municipal, industrial, non-hazardous or hazardous waste;

(E) a petition for the creation of a special purpose district or approval of bonds for infrastructure on coastal barriers;

(F) a refusal for approval of a levee improvement or other flood control project pursuant to Texas Water Code §16.236 and Chapter 301 of this title (relating to Levee Improvement Districts, District Plans of Reclamation and Levees, and other Improvements);

(G) an application for state water quality certification of a federal permit pursuant to §401 of the federal Clean Water Act;

(H) a wastewater discharge permit; and

(I) a permit for a new concentrated animal feeding operation located one mile or less from a critical area or coastal waters; and

(3) the promulgation of rules governing or authorizing actions listed in paragraph (1) and (2) of this subsection, including rules as listed in Appendix E of §281.48 of this title (relating to Appendices);

(b) The review and action on an application or request for agency approval provided in paragraphs (1), (2), and (3) of subsection (a) shall not be considered an action subject to the CMP goals and policies if the action is taken pursuant to rules that the council has certified as consistent with the CMP and:

(1) for wastewater discharge permits, if the action is not a major permit modification that would increase pollutant loads to coastal waters or would result in the relocation of an outfall to a critical area;

(2) for municipal, industrial, hazardous, or non-hazardous waste permits, if the action is not a Class III modification as defined in commission rules; or

(3) for any other action under this subsection if the action only extends the time period of the existing authorization without authorizing new or additional work or activities or is not otherwise directly relevant to the policies in 31 Texas Administrative Code §501.14. Such specific

actions include, but are not limited, to those listed in §281.47 of this title (relating to Actions Not Subject to Referral for Council Review).

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§281.46. Actions Which May Be Referred to the Coastal Coordination Council.

Except as otherwise provided under 31 TAC §505.32 (relating to Requirements for Referral for an Individual Agency Action), only the following actions may be referred to the CCC for review for consistency with the CMP goals and policies pursuant to 31 TAC §505.26 (relating to Council Review and Approval of Thresholds for Referral):

(1) For actions outside the program boundary when issuing or approving:

(A) an application for a new water right located within 200 stream miles of the coast and requesting an appropriation of 10,000 acre-feet of water per year or more; and

(B) an application to amend an existing water right located within 200 stream miles of the coast and seeking:

(i) to increase an annual appropriation by 10,000 acre-feet or more per year; or

(ii) to change the purpose of use of 10,000 acre-feet or more to a more consumptive use.

(2) For actions inside the program boundary when issuing or approving:

(A) an application for a new domestic wastewater discharge permit:

(i) to discharge five million gallons per day (MGD) or more into a tidally influenced segment (see Appendix C of this subchapter); or

(ii) to discharge one MGD or more into a priority segment (see Appendix B of this subchapter);

(B) an application for an amendment to a domestic wastewater discharge permit:

(i) to increase the total discharge authorized by the permit into tidally influenced segments (Appendix C) to an amount greater than or equal to five MGD; or

(ii) to increase the discharge to one MGD or more into a priority segment (Appendix B);

(C) an application for a new industrial wastewater discharge permit to discharge effluent subject to the United States Environmental Protection Agency's categorical limits into a priority segment (Appendix B);

(D) an application for an amendment to an industrial wastewater discharge permit:

(i) to discharge effluent subject to categorical limits that increase mass loading of pollutants into priority segments (Appendix B); or

(ii) to change the point of discharge from outside into a priority segment (Appendix B);

(E) an application for a new confined animal feeding operation (CAFO) permit for a CAFO located within one mile of a critical area or coastal waters;

(F) an application for a permit for a new municipal landfill to be located within a coastal wetland or a special flood hazard area, as defined in Title 44, Code of Federal Regulations (CFR) §59.1;

(G) an application for an amendment which proposes an expansion of a municipal landfill into a coastal wetland or a special flood hazard area, as defined in 44 CFR §59.1;

(H) an application for a new permit for a commercial or industrial waste landfill to be located within a coastal wetland or special flood hazard area, as defined 44 CFR §59.1;

(I) an application for an amendment that proposes an expansion of a commercial or industrial waste landfill into a coastal wetland or a special flood hazard area, as defined in 44 CFR §59.1;

(J) an application for a new hazardous waste landfill to be located within a coastal wetland or a special flood hazard area, as defined in 44 CFR §59.1;

(K) an application for an amendment to expand a hazardous waste landfill into a coastal wetland or a special flood hazard area, as defined in 44 CFR §59.1;

(L) an application for a new water right proposing an appropriation of 5,000 acre-feet of water or more per year;

(M) an application to amend an existing water right requesting:

(i) an increase in appropriation of 5,000 acre-feet of water per year or more;

(ii) a change in purpose of use to a more consumptive use of 5,000 acre-feet of water per year or more;

(N) a certification of a federal permit for the discharge of dredge or fill material, which affects one or more acres in a critical area (as defined in §281.42 of this title (relating to Definitions)) and authorizes the discharge of not less than 1,000 cubic yards of dredged or fill material.

(3) For actions on coastal barriers only:

(A) any application for creation of a special purpose district whose service area would encompass, or partially encompass, a Coastal Barrier Resources System Unit as defined by the United States Fish and Wildlife Service under the Federal Coastal Barrier Resources Act, 16 United States Code (USC) §3502(7); or

(B) an application for approval of a bond issue to support infrastructure projects encompassing, or partially encompassing a Coastal Barrier Resources System Unit as defined by the United States Fish and Wildlife Service under the Federal Coastal Barrier Resource Act, 16 USC §3502(7).

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§281.47. Actions Not Subject to Referral For Council Review.

The following individual agency actions are not subject to 31 Texas Administrative Code (TAC) Subchapter C, §§505.30-505.42, Consistency and Council Review of Individual State Agency Actions providing these actions are taken pursuant to rules that the council has certified as consistent under Subchapter B of the CMP rules (relating to Council Certification of State Agency Rules and Approval of Thresholds for Referral):

- (1) applications for renewal of domestic wastewater discharge permits;
- (2) applications for renewal of industrial wastewater discharge permits;
- (3) applications for renewal of confined animal feeding operation permits;
- (4) applications for renewal of commercial or industrial landfill permits;
- (5) applications for renewal of hazardous waste landfills permits;
- (6) emergency suspension of permit conditions relating to beneficial inflows to affected bays and estuaries in accordance with Texas Water Code §11.148;

(7) declaration of an emergency and request for an emergency release of water under Texas Water Code §16.195; and

(8) any other actions not specifically listed under this subchapter or that do not otherwise meet the requirements of 31 TAC §505.32 (relating to Requirements for Referral of An Individual State Agency Action).

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§281.48. Appendices

(a) Appendix A. Texas Natural Resource Conservation Commission (TNRCC) Authorizations Reviewable by the Coastal Coordination Council. (See Figure 1: 30 Texas Administrative Code (TAC) §281.48(a))

Appendix A

TNRCC AUTHORIZATIONS REVIEWABLE BY THE COASTAL COORDINATION COUNCIL	
AUTHORIZATION	THRESHOLDS
WASTEWATER PERMITS: (inside the boundary)	
Municipal, new	(1) Proposed permits to discharge into tidally influenced segments (See Appendix C) <u>AND</u> which would result in an authorized discharge greater than or equal to 5 MGD ¹ ; or (2) Any permit which proposes to discharge into a priority segment (See Appendix B) which would result in an authorized discharge greater than or equal to 1 MGD ² .
Municipal, amendments	(1) Amendments to increase the total discharge into tidally influenced segments to an amount greater than or equal to 5 MGD; or (2) Amendments to discharge into a priority segment <u>AND</u> which would result in an increase in the authorized discharge to an amount greater than or equal to 1 MGD.
Municipal, renewals	EXEMPT

¹ 5 MGD is the EPA trigger level for determining pretreatment requirements.

² 1 MGD is the trigger which requires biomonitoring, pursuant to TNRCC rules.

TNRCC AUTHORIZATIONS REVIEWABLE BY THE COASTAL COORDINATION COUNCIL	
AUTHORIZATION	THRESHOLDS
WASTEWATER PERMITS: (inside the boundary)	
Industrial, new	(1) Proposed discharge permits for new facilities which are subject to categorical limits and which discharge into a priority segment (See Appendix B).
Industrial, amendments	(1) Proposed amendments to discharge permits for facilities which are subject to categorical limits, which either increase mass loadings into a priority segment <u>OR</u> change the point of discharge into a priority segment.
Industrial, renewals	EXEMPT

TNRCC AUTHORIZATIONS REVIEWABLE BY THE COASTAL COORDINATION COUNCIL	
AUTHORIZATION	THRESHOLDS
WASTEWATER PERMITS: (inside the boundary)	
Agriculture (CAF0s), new	Any application for a new concentrated animal feeding operation (CAFO) within one mile of a critical area (as defined by TNRCC rule Chapter 281, Subchapter B, §281.42) or coastal water.
Agriculture (CAF0s), amendments	EXEMPT
Agriculture (CAF0s), renewals	EXEMPT
DISTRICT APPROVALS & BOND ISSUES: (on coastal barriers only)	
District creation	Any application for creation of a district whose service area would encompass, or partially encompass a Coastal Barrier Resources System Unit as defined by U.S. Fish & Wildlife Service under the federal Coastal Barrier Resources Act.
District bond issues	Any application for approval of a bond issue to support infrastructure projects encompassing, or partially encompassing a Coastal Barrier Resources System Unit as defined by U.S. Fish & Wildlife Service under the federal Coastal Barrier Resources Act.
401 CERTIFICATION: (inside the boundary)	
	Application for 401 certification of a 404 Corps of Engineer permit which affects one or more acres in a critical area (as defined in TNRCC rules Chapter 281, Subchapter B, §281.42) and authorizes the discharge of not less than 1,000 cubic yards of dredged or fill material, all or part of which occurs in a critical area.

TNRCC AUTHORIZATIONS REVIEWABLE BY THE COASTAL COORDINATION COUNCIL	
AUTHORIZATION	THRESHOLDS
WATER RIGHTS: (inside the boundary)	
New	Any application for a new right, except emergency permits, for an annual appropriation of 5,000 acre-feet or more of water.
Amendments	Any application to amend an existing right: (1) to increase the annual appropriation of water by 5,000 acre-feet or more; or (2) to change the purpose of use of 5,000 acre-feet or more to a more consumptive use.
Renewals (reissues)	EXEMPT
WATER RIGHTS: (outside the boundary)	
New	Any application for a new right, except emergency permits, within 200 stream miles of the coast for an annual appropriation of 10,000 acre-feet or more of water.
Amendments	Any application to amend an existing right within 200 stream miles of the coast and seeking to: (1) increase the annual appropriation of water by 10,000 acre-feet or more; or (2) to change the purpose of use of 10,000 acre-feet or more to a more consumptive use.
Renewals ("reissues")	EXEMPT

TNRCC AUTHORIZATIONS REVIEWABLE BY THE COASTAL COORDINATION COUNCIL	
AUTHORIZATION	THRESHOLDS
SOLID WASTE: (inside the boundary)	
Municipal, new	Any new permit for a landfill to be located within a coastal wetland or a special flood hazard area (100 year floodplain).
Municipal, amendments	Any amendment which proposes an expansion of a landfill into a coastal wetland or a special flood hazard area (100 year floodplain).
Municipal, renewals	n/a (Municipal permits are issued for the life of the site.)
Commercial-Industrial, new	Any new permit for a landfill to be located within a coastal wetland or a special flood hazard area (100 year floodplain).
Commercial-Industrial, amendments	Any amendment which proposes an expansion of a landfill into a coastal wetland or a special flood hazard area (100 year floodplain).
Commercial-Industrial, renewals	EXEMPT
Hazardous, new	Any new permit for a landfill to be located within a coastal wetland or a special flood hazard area (100 year floodplain).
Hazardous, amendments	Any amendment which proposes an expansion of a landfill into a coastal wetland or a special flood hazard area (100 year floodplain).
Hazardous, renewals	EXEMPT
LEVEE PROJECTS: (inside the boundary) Approval of levee impoundment or flood control projects	Not applicable: Pursuant to §16.236 of the Texas Water Code, approval of projects is delegated to local governments participating in the National Flood Insurance Program. All coastal counties participate in the program.
DECLARATION OF EMERGENCIES (pursuant to §16.195, Texas Water Code) (inside the boundary)	EXEMPT

(b) Appendix B. Tidal Segments Designated as TNRCC Priority Waterbodies. (See Figure 2: 30 TAC §281.48(b))

APPENDIX B

TIDAL SEGMENTS DESIGNATED AS TNRCC PRIORITY WATERBODIES COASTAL MANAGEMENT PROGRAM

Segment Number	Name
2412	Sabine Lake
2411	Sabine Pass
2423	East Bay
2439	Lower Galveston Bay
0801	Trinity River Tidal
1113	Armand Bayou Tidal
2431	Moses Lake
2424	West Bay
2432	Chocolate Bay
2433	Bastrop Bay/Oyster Lake
2434	Christmas Bay
2435	Drum Bay
2442	Cedar Lakes
2441	East Matagorda Bay
2451	Matagorda Bay/Powderhorn Lake
2452	Tres Palacios Bay/Turtle Bay
2456	Carancahua Bay
2455	Keller Bay
2461	Espiritu Santo Bay
2462	San Antonio Bay/Hynes Bay/Guadalupe Bay
1801	Guadalupe River Tidal
2463	Mesquite Bay/Carlos Bay/Ayres Bay
2473	St. Charles Bay
2471	Aransas Bay
2472	Copano Bay/Port Bay/Mission Bay
2483	Redfish Bay
2482	Nueces Bay
2492	Baffin Bay/Alazan Bay/Cayo Del Grullo/ Laguna Salada
2491	Laguna Madre
2493	South Bay

(c) Appendix C. TNRCC Designated Tidal Segments Located Within the CMP Boundary.
(See Figure 3: 30 TAC §281.48(c))

APPENDIX C

TNRCC DESIGNATED TIDAL SEGMENTS LOCATED WITHIN THE CMP BOUNDARY

Segment Number	2462
2433	2471
2434	2426
2455	1107
2435	2439
2442	
2432	
2411	
2424	
2461	
2472	
2423	
2452	
2412	
2203	
2451	
2429	
2003	
2463	
2441	
2430	
2431	
2001	
2428	
1601	
1105	
2436	
1111	
2482	
1501	
2493	
2483	
1801	
2473	
2456	
1603	

Name	Segment Number
Bastrop Bay/Oyster Lake	
Christmas Bay	2494
Keller Bay	0801
Drum Bay	1109
Cedar Lakes	2492
Chocolate Bay	
Sabine Pass	1113
West Bay	2301
Espiritu Santo Bay	2425
Copano Bay/Port Bay/Mission Bay	1701
East Bay	2438
Tres Palacios Bay/Turtle Bay	2422
Sabine Lake	1103
Petonila Creek Tidal	2454
Matagorda Bay/Powderhorn Lake	2101
Scott Bay	2437
Aransas River Tidal	0703
Mesquite Bay/Carlos Bay/Ayres Bay	2485
East Matagorda Bay	1304
Burnet Bay	1401
Moses Lake	0508
Mission River Tidal	0501
Black Duck Bay	0901
Lavaca River Tidal	0511
Bastrop Bayou Tidal	1301
Barbours Cut	2491
Old Brazos River Channel	2427
Nueces Bay	2484
Tres Palacios Creek Tidal	1013
South Bay	1101
Redfish Bay	1001
Guadalupe River Tidal	2481
St. Charles Bay	0702
Carancahua Bay	2421
Navidad River Tidal	0601
San Antonio Bay/Hynes Bay/Guadalup Bay	2201
Aransas Bay	1201
Tabbs Bay	1005
Chocolate Bayou Tidal	2453
Lower Galveston Bay	1005
	1007

Name

Brownsville Ship Channel
Trinity River Tidal
Oyster Creek Tidal
Baffin Bay/Alazan Bay/Cayo Del Grullo/
Laguna Salada
Armand Bayou Tidal
Rio Grande Tidal
Clear Lake
Victoria Barge Canal
Bayport Channel
Trinity Bay
Dickinson Bayou Tidal
Cox Bay
Nueces River Tidal
Texas City Ship Channel
Sabine-Neches Canal
Oso Bay
Caney Creek Tidal
Colorado River Tidal
Adams Bayou Tidal
Sabine River Tidal
Cedar Bayou Tidal
Cow Bayou Tidal
San Bernard River Tidal
Laguna Madre
San Jacinto Bay
Corpus Christi Inner Harbor
Buffalo Bayou Tidal
Clear Creek Tidal
San Jacinto River Tidal
Corpus Christi Bay
Intracoastal Waterway
Upper Galveston Bay
Neches River Tidal
Arroyo Colorado Tidal
Brazos River Tidal
Houston Ship Channel/San Jacinto River
Lavaca Bay/Chocolate Bay
Houston Ship Channel
Houston Ship Channel/Buffalo Bayou

(d) Appendix D. Districts in the Coastal Barrier Resources System. (See Figure 4: 30 TAC §281.48(d))

APPENDIX D

DISTRICTS IN THE COASTAL BARRIER RESOURCES SYSTEM

Nueces County

Nueces County WCID #4 (1, 2)

San Patricio County

San Patricio MWD (2)

Aransas County

Aransas County Conservation & Reclamation District (1, 2)
Aransas County Navigation District (1, 2)

Matagorda County

Matagorda County Navigation District #1 (1, 2)

Brazoria County

Treasure Island MUD (1)
Blud Water MUD (1)
Velasco Drainage District (1, 2)
Brazos River Harbor Navigation District (1, 2)

Galveston County

Gulf Coast Water Authority of Galveston County (1, 2)
Harris-Galveston Coastal Subsidence District (1, 2)
Galveston County Navigation District #1 (1, 2)

Legend: (1) Coastal Barrier (Coastal Barrier Resources System or "Cobras")
 (2) Otherwise Protected Areas

(e) Appendix E. TNRCC Rules Relating to Actions Subject to the Coastal Management Program. All or part of the rules contained in these chapters may require certification by the council as consistent with the CMP before thresholds provided in §281.46 of this title (relating to Action Which May Be Referred to the Coastal Coordination Council) become effective. The listing of these chapters in their entirety is not intended to indicate that all these chapters or all rules in these chapters must be certified for the thresholds to become effective. (See Figure 5: 30 TAC §281.48(e))

Appendix E

TNRCC Rules Relating to Actions Subject to the Coastal Management Program

Administrative

- Chapter 261 Subchapters B and C, Environmental, Social, and Economic Impact Statements
- Chapter 281 Applications Processing

Water Discharge and Non-point Source Pollution

- Chapter 284 Private Sewage Facilities (Rules for Angelina and Neches River Authority)*
- Chapter 285 On-Site Wastewater Treatment*
- Chapter 305 Consolidated Permits
- Chapter 307 Supplemental Surface Water Quality Standards
- Chapter 309 Effluent Limitations
- Chapter 314 Toxic Pollutant Effluent Standards and Prohibitions
- Chapter 315 Pretreatment Regulations for Existing and New Sources of Pollution
- Chapter 321 Control of Certain Activities by Rule
- Chapter 334 Underground and Aboveground Storage Tanks*

Non-hazardous and Hazardous Solid Waste

- Chapter 305 Consolidated Permits
- Chapter 330 Municipal Solid Waste
- Chapter 335 Industrial Solid Waste and Municipal Hazardous Waste

Dredging, Filling, and Other Activities or Development that May Affect Critical Areas

- Chapter 279 Water Quality Certification
- Chapter 293 Water Districts
- Chapter 301 Levee Improvement Districts, District Plans of Reclamation and Levees, and other Improvements

Instream Flows, Water Rights, and Water Conservation

- Chapter 288 Water Conservation Plans, Guidelines, and Requirements*
- Chapter 295 Water Rights, Procedural
- Chapter 297 Water Rights, Substantive

Air Emissions

- Chapter 101 General Rules
- Chapter 111 Control of Air Pollution from Visible Emissions and Particulate Matter

Chapter 112	Control of Air Pollution from Sulfur Compounds
Chapter 113	Control of Air Pollution from Toxic Materials
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